

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NICOLE WEISZ,

Plaintiff,

v.

CCT HOLDINGS, LLC, ET AL.,

Defendants.

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CIVIL ACTION NO. 4:23-CV-541-ALM-
AGD

NOTICE OF IMPENDING DISMISSAL

The court's records indicate that more than 350 days have passed from the filing of the Complaint (Dkt. #1). To date, Defendant Michael Eymer has not been served. This notice serves to inform Plaintiff Nicole Weisz this action shall be dismissed without prejudice as to the unserved Defendant unless Plaintiff completes service of process by the date specified below and in accordance with Federal Rule of Civil Procedure 4(m).

To avoid dismissal under Rule 4(m), if more than 90 days are necessary for service of process, Plaintiff must execute a verified petition regarding service of process, advising the court:

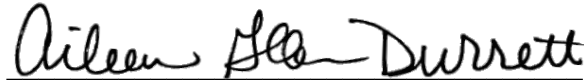
- A. That the case should not be dismissed as to the unserved Defendant;
- B. That the failure to obtain service upon the unserved Defendant is not due to the fault of the party or counsel seeking to avoid dismissal;
- C. The reasons why the case against the unserved Defendant should not be dismissed, set forth in detail and demonstrating good cause; and
- D. That service will be effected on the unserved Defendant within thirty (30) days of the date of the petition.

This petition must be filed with the court on or before *Tuesday, June 18, 2024, at 5:00 p.m.* If the court is satisfied that the case should not be dismissed as to the unserved Defendant, Plaintiff will be so notified. If dismissal of the case as to the unserved Defendant is satisfactory to

the Plaintiff, no action is required. By executing the petition regarding service of process, Plaintiff need not appear in support thereof until and/or unless so notified by the court. **Failure to respond will result in a recommendation of dismissal of this case as to the unserved Defendant for failure to prosecute.**

IT IS SO ORDERED.

SIGNED this 7th day of June, 2024.


AILEEN GOLDMAN DURRETT
UNITED STATES MAGISTRATE JUDGE